

**DALLAS COUNTY
BOARD OF ADJUSTMENT
MINUTES**

The Dallas County Board of Adjustment was called to order on **March 8th, 2016** at 4:30 P.M. in the Dallas County Board Conference Room at 902 Court Street in Adel, Iowa, by Chairperson, Marilyn Gliem. Members present were Marilyn Gliem, Scott Pope, Karen Smith, John Baker, and John Bunz. Others present were Murray McConnell, Director of Planning and Development, and Samuel Larson, Senior Planner.

Approve Agenda:

Motion by S. Pope **to alter the agenda and deal with Item 3 first.** Seconded by J. Bunz. **Ayes unanimous. Motion carried.**

Approve Minutes of the last meeting of February 10th, 2016.

Motion by J. Bunz **to dispense with the reading of the Minutes of the last meeting of February 10th, 2016, and approve them as written.** Seconded by K. Smith. **Ayes unanimous. Motion carried.**

Old Business: (None)

New Business:

Item 3: A petition for a Conditional Use Permit to allow a temporary asphalt batch plant for the paving of County Road F-31 east out of Minburn in Dallas County, and for a City of Perry Streets Improvement Project for a period of not to exceed 18 months to be placed on Parcel #0802377019 zoned I-1 (Light Industrial District) and located in the SE1/4 of the SW1/4 of Section 2, T80N, R26W (Grant Township) **for Manatts Inc. /Jeff Steinkamp).**

M. McConnell speaking: I would like to bring attention to the Chair and the rest of the Board of Adjustment, that one of the requirements for a temporary batch plant is addressed in Section 45.09.3, sub-paragraph B, (m) and number (3) under that, that we can't consider for approval any batch plant that does not have a signed consent of all residences within 1000'. I can safely say that I don't believe they have the signed consent of anyone, and it only takes one, and they don't meet the statutory requirements, and rather than inconvenience any more these people, who I am assuming have come about the batch plant, that because they don't have all the signed consents, I think you should go ahead and take it up without any public input.

Motion by S. Pope **to deny the petition for a Conditional Use Permit, as they did not meet the statutory requirements, to allow a temporary asphalt batch plant for the paving of County Road F-31 east out of Minburn in Dallas County, and for a City of Perry Streets Improvement Project for a period of not to exceed 18 months,** to be placed on Parcel #0802377019 zoned I-1 and located in the SE1/4 of the SW1/4 of Section 2, Grant Township **for Manatts Inc. /Jeff Steinkamp).** Seconded by J. Baker. **Ayes unanimous. Motion carried to deny.**

Item 1: A petition for a Variance to allow a reduced side setback down to 58' to allow an existing accessory building with added additions to be used for horses on Parcel #1404100029, which is Lot 2 of "Mahlum Subdivision" zoned A-1 (Agricultural District) located in Section 4, T78N, R28W (Adams Township) **for Cynthia and Bob Bik.**

Cynthia Bik speaking: We were asking for a Variance to put in 4 horse stalls in the existing building, and I understand it is 30' or 70' too close to the corn field that is right there given it has to have a 100' setback if there are animals in it.

Board Questions:

J. Bunz asked: Is there any reason we can't have it meet the 100'?

C. Bik responded: Because we would like to use the existing building that is there.

J. Bunz replied: Ok, got it.

S. Pope asked: And no one else lives on your little driveway from what I can tell. It is just you?

C. Bik answered: Yes, as far as I know. I am at a little disadvantage as we are under contract to purchase the property and close on 4-18, so we have only seen it twice, so I have a picture in my mind and then that aerial view. I did send a letter to all of the neighbors, as they asked me to, within 500' of the property to seek their permission, and no one got back to me, so I don't know unless they responded to you.

J. Baker asked: So this is just a remodeling of an existing building basically?

C. Bik replied: Yes.

Others to speak:

Dallas Bowman speaking: I have property on the east side, and if they need a Variance for livestock of 100' and they don't have that much room between my property and theirs, if it is ok'd will this go the length of their property on my side or will it go just the width of the building that they have the livestock in?

M. McConnell answered: What it would do is it would allow them to use the existing building that is there for horses, and what they are asking in addition to that is there is an addition that they want to place on each side of that existing building that would put it within 58' of the east property line. The Variance would simply be for this building.

D. Bowman responded: Ok, it is just for this building.

M. McConnell continued: It allows them to build it and allows them if approved to have horses in it.

D. Bowman stated: Just wondered as I have a property line along there for half a mile north and south there and was just curious. I am just here listening.

S. Pope asked: So you don't have an opinion one way or the other, Mr. Bowman?

D. Bowman answered: Oh, if it ever became a development on our property it might affect that a little bit, but that would be a long ways away, clear out there, far out, but a few years from now there will be houses all over. You know how that goes, but, no, I am flexible, I've worked with neighbors for years and years. That is what we are. We work together.

M. McConnell stated: So, just to be clear, the actual Variance that they are requesting would be a setback of 58' instead of the required 100', and other than that, as Mr. Bowman said, he owns everything to the south of where this building is going to be, and on the east side, and, of course we have notified all of the other property owners that are adjacent to this property. We have had no objections that I am aware of, so being this is undeveloped farm land to the east Mr. Bowman would be the one that would have any adverse impact. Since he is not against it, then staff would be supportive of granting that Variance.

S. Pope asked: I am just curious, but how many stalls are you planning on putting in?

C. Bik answered: I would say no more than 4.

J. Baker asked: Is the existing building grandfathered in, or is it not ----?

M. McConnell replied: It would be if there were horses in it currently, but I don't believe there is any.

C. Bik stated: I don't believe there is any. It doesn't appear to me from being in there the one time that there was setup for horses.

M. McConnell stated: Had there been horses in there previously, then a new owner would be free. We have people that we deal with quite frequently that try to evade the regulations and she has been up front with us from the beginning, so that is always helpful. Someday if Mr. Bowman's property would be developed, then that is something that could be taken into account.

J. Baker asked: If we were to approve this would we want to stipulate no more than 4 stalls? If we don't stipulate they could go on to 10 or 15 maybe?

M. McConnell replied: Well, one thing is there are different regulations. It is 100' for housing your own horses that you own. If you had plans to board other people's horses then it is a 200' setback, so there is still that in there. I don't know if you are---

C. Bik stated: No, the insurance is prohibitive for that. I mean it doesn't interest me at all.

M. McConnell asked: Do you have any plans to have more than 4 stalls?

C. Bik answered: No, I do not have plans for more than 4 stalls. I do take in animal rescue type horses for short times to get them fat. I have done that 4 times now, where I have fostered a horse for anywhere from 2 months to 4 months. Typically those are the ones that are in the very worst shape that need grass, groceries and more time than the animal rescue league has space for, so periodically in the last 3 years I have taken 4 horses for a short period of time to do that. The ponies that I have are those four ponies and are also animal rescue league foster failures that ended up staying with me because they have health issues that probably won't be adoptable. But, my husband has cut me off at the four that I have.

S. Pope asked: Murray, does the Variance apply only to the footprint that she is proposing here?

M. McConnell answered: Yes.

S. Pope asked: So if we approved this and she were to try and expand this building she would have to come back, right?

M. McConnell replied: Yes, if she were expanding it for horses. If it were used for other purposes that don't house horses then the building is legal right up until 15' of the property line.

Motion by J. Baker to approve the Variance to allow a reduced side setback down to 58' to allow an existing accessory building with added additions to be used for horses on Parcel #1404100029, which is Lot 2 of "Mahlum Subdivision" zoned A-1 located in Section 4, Adams Township for Cynthia and Bob Bik. Seconded by S. Pope. Ayes unanimous. Motion carried.

Item 2: A petition for a Variance to allow a reduced side setback down to 6' for an accessory building to be built on Parcel #1428200011, which is Lot 3 of "McKibben School Addition" zoned RE-1 (Suburban Estate District) located in the NW1/4 of the NE1/4 of Section 28, T78N, R28W (Adams Township) for Jeff Marnin.

Jeff Marnin speaking: I am here asking for a Variance. I would like to build an accessory building. Part of it is going to be a garage and part is going to be a workshop, and a place to keep my mowers and that type of thing. Due to the way my property is, the only access I have to the back due to my lateral field is between the house and this building, so if I am able to set it closer to the lot line it allows the driveway not to impede or take up my whole back yard, so to speak. I have a pond issue, too, that bothers me if I try to move it around too much, so that is why I am here asking for the Variance.

J. Baker asked: What does your neighbor say?

Dennis Dorman speaking: I am his neighbor, and I at one time owned the property. The way the property sets and the way we have talked between the two of us, my land slopes to the west, so anything that he puts on his land wouldn't affect my land at all. There wouldn't be any runoff coming onto my land or anything else. If it would be possible to amend that, I would like to amend that to go from where he shows his building to be and have it go clear back to that back fence line. That way he could use that whole area in between where his pond is and the land going back if he should further want to put a small shed for a lawn mower or something like that back behind there.

J. Baker responded: You mean amend the Variance to go all the way down there to the south lot line? Instead of where the building is, go all the way down?

D. Dorman replied: Yes, right. Then if he wanted to put up a small shed for a lawn tractor, so it would give him easier access or something back in there, he could. He can't do a lot with that ground back there. It is damp, and I would like to see him be able to utilize the ground that he has got there for purposes. I have no objection to it at all.

J. Baker asked: Can we do an amendment like that? Do we do that?

S. Pope asked: Mr. Marnin, is that what you want?

J. Bunz stated: I think he has to make that request.

J. Marnin speaking: This is the first time I have been before the Variance Board, so I am assuming that I get a Variance now. My building size - I have gotten a couple of different quotes on building sizes. I put down there a 48' x 106', I believe. Depending upon the style of building that I go with, as I am waiting on another bid right now, it may be 50' x 100'. The building size may change a little bit. I didn't know how much affect that had on what we are talking about here. Basically, what I am concerned with here is getting it to that 6' point. I have a tennis court fence that is basically 6' off the lot line right now, and I would like to put an edge along with that. The previous owner had put that up, and I would like to put the edge in line with that. In the future if I decide I want to do something, I, obviously, just come back and go through the process again. The only thing I am not sure about is if you folks need exact building dimensions right now. I am going to be right in that range, but I didn't know if you needed exact building dimensions, because I am looking at a couple of different building processes, and the type of process dictates the size of the building. They have set sizes they like to build. The building is going to be on a foundation, and will be a footing type building. It is not going to be a conventional pole type building. It may be a pole building, but it will be on a foundation.

S. Pope asked: So, do you want the building here, or do you want it at the south property line?

J. Marnin answered: No, I really want the building there. Dennis and I just talked about that proposal earlier, so I guess we were just on kind of a fact finding mission that if I get a Variance for 6' off the lot line, does it give me 6' off the lot line or just 6' off for this project? I guess that was the question.

M. McConnell responded: I mean the request here is 6' for this accessory building. We didn't put an exact dimension in there, so if you ended up building a building of some other dimension---. I guess I would be reluctant to give it a 6' setback the full length, because Mr. Dorman may not be the owner 20

years from now and you may not be the owner. I would be more comfortable if it would be a 6' setback for one accessory building for whatever dimension length you end up going with.

J. Marnin replied: Ok.

D. Dorman stated: That was just a suggestion to keep from having to come back here another time. Jeff has been a good neighbor for the last 8 years that he has been out there. For the first time since I have lived out there I have had congenial neighbors on both sides of me.

S. Pope asked: So Murray, the 6' setback would be contiguous for this all the way to the south property line?

M. McConnell responded: Well, that is what Mr. Dorman has suggested. The actual Variance that has been applied for is a 6' setback for an accessory building to be built. We didn't actually put a length in there, so it would be whatever length that he decides to build.

S. Pope stated: I guess what I am asking is if he decided he wanted to move it down here would the 6' setback apply?

M. McConnell answered: Yes, as we haven't given a specific location, so it is where ever he decides and we will allow him to place this accessory building within 6' of his east property line where ever he chooses to put that.

S. Pope replied: Ok.

Other Questions: (None)

M. McConnell stated: I have no objections.

Motion by J. Bunz **to approve a Variance to allow a reduced side setback down to 6' for an accessory building to be built** on Parcel #1428200011, which is Lot 3 of "McKibben School Addition" zoned RE-1 located in the NW1/4 of the NE1/4 of Section 28, Adams Township **for Jeff Marnin**. Seconded by J. Baker. **Ayes unanimous. Motion carried.**

Motion made and seconded **to adjourn** the meeting. **Ayes unanimous. Motion carried.**

Meeting adjourned.

Pat Penn
Planner I